



December 1, 2011

Senate Natural Resources, Environment and Great Lakes
Lansing, Michigan

Re: Cleanup of Leaking Underground Storage Tanks, SB 528-533

Dear Senators,

The Michigan Environmental Council supports efforts to speed the cleanup of leaking underground storage tank sites across the state. Greater focus and attention needs to be placed on the over 9000 known sites of leaking underground tanks spread across Michigan which place drinking water at unnecessary risk. Unfortunately, these bills fall short of steps necessary to protect public health.

The Michigan Environmental Council believes the package of bills fails to address critical issues. Despite sites sitting for decades with no action, the bills fail to set specific timeframes and expectation for responsible parties to diligently pursue cleanups. The bills also fail to ensure long-term funding for the program to provide for sufficient staff to work with tank owners and provide assistance to owners and operators.

The substitute bills also remain flawed. Some of the major problems include:

SB 528

The bill weakens the liability standard shifting even more responsibility to fund cleanup to the general public. A tank owner or operator has a duty to ensure hazardous substances do not enter Michigan's environment. These bills allow them to avoid liability even if the department establishes that a leak occurred during the period of their ownership. This is unfair to the taxpayers of the state who would now be required to pay for cleanup activities.

The public is put further at risk due to provisions that limit financial assurance and allow the owners to decide when the public is protected from contaminants left behind after a cleanup. The department is then given too short of a period to audit closure documents potentially allowing substandard cleanups to fall through the cracks.

Michigan Environmental Council, 119 Pere Marquette, Ste. 2A, Lansing, MI 48912

SB 529

This bill allows for a board controlled by regulated community to act as administrative law judges for disputes between the department and owners and operators conducting a cleanup. If the department is unsatisfied with the decision it must spend taxpayer's money to challenge the decision through costly litigation.

We remain willing to work with stakeholders to improve the bills, but at this time request Senator oppose this package that places public health in jeopardy and exposes Michigan taxpayers to hundreds of millions of dollars in additional liability.

Sincerely,

James Clift, Policy Director